

Jan 16, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VICTOR A. CELLI, JR.,

Plaintiff,

v.

SPOKANE COUNTY JAIL and
STATE OF WASHINGTON,

Defendant.

NO: 2:19-CV-284-RMP

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE REQUIREMENTS

Plaintiff Victor A. Celli, Jr., filed a civil rights complaint pursuant to 42 U.S.C. § 1983 while a prisoner at Spokane County Detention Services. ECF No. 1. On November 15, 2019, after being notified of Mr. Celli's release from incarceration to a residential address in Spokane, Washington, the Court instructed Plaintiff to complete and file a new financial affidavit as required by 28 U.S.C. § 1915(a)(1), or to pay the applicable filing fee of \$400.00 (\$350.00 filing fee, plus \$50.00 administrative fee). ECF No. 7. Plaintiff was warned that failure to do either within 30 days would result in the dismissal of this case. *Id.* Plaintiff did not comply with these directives and has filed nothing further in this action.

ORDER DISMISSING ACTION FOR FAILURE TO COMPLY WITH FILING
FEE REQUIREMENTS -- 1

1 Parties filing actions in the United States District Court are required to pay
2 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
3 payment of a filing fee only upon the granting of in forma pauperis status. *See* 28
4 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
5 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
6 Cir. 1995) (district court has authority to dismiss without prejudice prisoner
7 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890
8 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay
9 required filing fees).

10 Accordingly, **IT IS ORDERED** that this action is **DISMISSED** without
11 prejudice for failing to pay the filing fee or filing a properly completed Application
12 to Proceed In Forma Pauperis pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

13 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
14 enter judgment, forward copies Plaintiff at the address provided and **CLOSE** the
15 file.

16 **DATED** January 16, 2020.

17
18 s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
19 United States District Judge
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